

REMARKS

Claims 1-18 were originally filed in the present application. In the Restriction Requirement mailed May 26, 2006, the Examiner restricted Claims 1-18 into the following four groups:

- I. Claims 1-7, drawn to a method of detecting increased S6 kinase activity;
- II. Claims 8-9, drawn to a method of screening compounds; and
- III. Claims 10-18, drawn to a method of treating a disease.

Restriction Requirement, page 2. The Applicant herein elects, without traverse, to prosecute the claims of Group III. The Applicant also herein cancels Claims 1-9 in order to further their business interests and the prosecution of the present application while preserving the right to prosecute the canceled (or similar) claims in the future.

The Applicants now cancel the claims of Group III, and provide new Claims 19-33. New Claims 19-33 describe methods encompassed within Group III. New Claims 19-33 describe, for example, methods of treating a disease involving administration of an agent that reduces cellular ATP levels. In addition, new Claims 19-33 do not constitute new matter. Support for new Claims 19-33 is located throughout the Specification at, for example, paragraph [0186].

In addition, the Examiner stated, "Applicant is required under 35 U.S.C. §121 to elect a single disclosed species (i.e., elect a particular disease from among those listed in claims 14-16, elect a particular defective element of the TSC pathway from among those listed in Claim 18, and elect a particular agent from among those listed in claims 11, 12 and 17) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable." Office Action, page 4.

The Applicants herein elect "type 1 diabetes" as a particular disease. The Applicants herein elect "TSC2" as a defective element of the cellular energy pathway. The Applicants herein elect "rapamycin" as a particular agent. Claims 19, 20, 29 and 31 are readable upon the species selections. As this is a species election, the remaining non-elected species will be examined, should the elected species be found allowable.

CONCLUSION

As such, Claims 19-33 are pending and under examination following entry of Applicant's response to the outstanding Restriction Requirement. Should the Examiner believe that a

telephone interview would aid in the prosecution of this application Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

Dated: _____

7/26/2006

A handwritten signature in black ink, appearing to read "Robert A. Goetz", written over a horizontal line.

Robert A. Goetz
Registration No. 55,210

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608.218.6900